

रजिस्टर्ड नं० पी० ६७



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, २१ अगस्त, १९६८/३० श्रावण, १८९०

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 1st July, 1968

No. 1-32/68-VS.—In pursuance of Rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964,

“The Himachal Pradesh Ayurvedic and Unani Practitioners, Bill, 1968 (Bill No. 18 of 1968)” as introduced in the Legislative Assembly on the 1st July, 1968 is hereby published in the Himachal Pradesh Government Gazette.

Bill No. 18 of 1968.

THE HIMACHAL PRADESH AYURVEDIC AND UNANI PRACTITIONERS BILL, 1968

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A BILL

to consolidate and amend the law relating to the registration of practitioners of Ayurvedic and Unani systems of medicine and regulate the practice in such systems.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Himachal Pradesh Ayurvedic and Unani Practitioners Act, 1968.

(2) It extends to the whole of the Union territory of Himachal Pradesh.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) "Administrator" means the Administrator of the Union territory of Himachal Pradesh appointed by the President under Article 239 of the Constitution;

(b) "appointed day" means the date on which this Act comes into force under sub-section (3) of section 1;

(c) "Ayurvedic system" means the Ashtang Ayurvedic system and the Siddha, and includes the modernised form thereof;

(d) "Board" means the Board of Ayurvedic and Unani Systems of Medicine, Himachal Pradesh, established and constituted under section 3;

(e) "Director" means the Director of Ayurveda, Himachal Pradesh, and includes an officer appointed by the Administrator to exercise the powers and perform the functions of the Director under this Act;

(f) "member" means a member of the Board;

(g) "Official Gazette" means the Rajpatra, Himachal Pradesh;

(h) "practitioner" means a person who practises the Ayurvedic or Unani system of medicine;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "register" means the register of practitioners maintained under section 14;

(k) "registered practitioner" means a practitioner whose name is entered in the register;

(l) "Registrar" means the Registrar appointed under section 13;

(m) "Schedule" means a Schedule appended to this Act;

(n) "transferred territory" means the territory which on the 1st day of November, 1966, was transferred from the State of Punjab to the Union territory of Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966; and

(o) "Unani system" means the Unani Tibbi system of medicine, and includes the modernised form thereof.

Short title,
extent and
commence-
ment.

Definitions.

CHAPTER II

ESTABLISHMENT AND CONSTITUTION OF BOARD AND REGISTRATION OF PRACTITIONERS

Establishment, constitution and incorporation of Board.

3. (1) Subject to the provisions of sub-section (6), there shall be established and constituted, for the purpose of carrying out the provisions of this Act, a Board to be known as "the Board of Ayurvedic and Unani Systems of Medicine, Himachal Pradesh", consisting of the following members, namely:—

- (a) the Director of Ayurveda, Himachal Pradesh, *ex-officio*;
- (b) five members, of whom one shall be the Principal of any Ayurvedic or Unani institution, appointed by the Administrator;
- (c) eleven members, of whom not less than seven shall be persons holding a diploma or degree in the Ayurvedic or Unani system, to be elected by the registered practitioners from amongst themselves.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property both movable and immovable and to contract, and shall, by the said name, sue and be sued.

(3) The Director shall be the Chairman of the Board, and the Vice-Chairman shall be elected by the members from amongst themselves.

(4) The eleven seats of members provided in clause (c) of sub-section (1) shall be distributed by the Administrator proportionately to their number, as counted on the prescribed date before the election, between the registered practitioners who follow the Ayurvedic system and the registered practitioners who follow the Unani system:

Provided that in determining the proportion, a fraction of one-half and less shall be ignored and a fraction of more than one-half shall be counted as one.

(5) Every election or appointment of a member and every vacancy in the office of a member shall be notified in the Official Gazette.

(6) Notwithstanding anything in sub-section (4), the eleven members mentioned in clause (c) of sub-section (1) shall, in the case of the first Board to be constituted, be appointed by the Administrator in such proportion as he may think fit from among practitioners of either system who are eligible to be entered in the register and such members shall be deemed to have been duly elected under clause (c) of sub-section (1):

Provided that not less than six of such members shall be persons holding a diploma or decree in the Ayurvedic or Unani System.

Election of members.

4. The election of practitioners entitled to be the members of the Board under clause (c) of sub-section (1) of section 3 shall be held at such time and place and in such manner as may be prescribed.

Term of office.

5. (1) Save as otherwise provided in this Act, a member, other than an *ex-officio* member, shall hold office for a period of five years from the date of the first meeting of the Board:

Provided that the members appointed to the Board at its first constitution shall hold office for a period of three years from the date of the first meeting of the Board.

(2) An outgoing member shall continue in office until the election or appointment of his successor.

(3) An outgoing member shall be eligible for re-election or re-appointment.

6. (1) If a vacancy occurs in the office of a member through his death, resignation, removal, disqualification or disability or otherwise, the vacancy shall be filled in the same manner as is provided in section 3.

Vacancies.

(2) Any person elected or appointed to fill the vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the member in whose place he is elected or appointed would have held office if the vacancy had not occurred.

7. Any member may at any time resign his office by a letter addressed to the Chairman and the resignation shall take effect from the date on which it is accepted by him.

Resignation.

8. If any member during the period for which he has been appointed or elected absents himself, without such reasons as may in the opinion of the Board be sufficient, from three consecutive ordinary meetings of the Board or becomes subject to any of the disqualifications mentioned in section 9, the Board shall declare his office to be vacant:

Disabilities for continuing as member.

Provided that before declaring his office to be vacant, the Board shall call for his explanation and record its decision thereon.

9. A person shall be disqualified for being elected or appointed as, and for continuing as, a member—

Disqualifications.

(a) if he is a minor or an undischarged insolvent;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if his name has been removed from the register or list prepared under this Act and has not been re-entered therein.

10. No act done, or proceeding taken, under this Act by the Board shall be invalid merely on the ground—

Vacancies etc. not to invalidate proceedings of Board.

(a) of any vacancy or defect in the constitution of the Board; or

(b) of any defect or irregularity in the election or appointment of a person acting as a member thereof; or

(c) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

11. The Board shall meet at such time and place, and every meeting of the Board shall be summoned in such manner, as may be provided in the regulations made under this Act:

Time and place of meeting of Board.

Provided that, until such regulations are made, it shall be lawful for the Chairman to summon a meeting of the Board at such time and place as he may deem expedient by letter addressed to each member.

12. (1) The Chairman, and in his absence, the Vice-Chairman, and in the absence of both, a person elected by the members of the Board from amongst themselves, shall preside at every meeting of the Board.

Procedure at meeting of Board.

(2) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting:

Provided that in case of equality of votes, the Chairman, Vice-Chairman or the person presiding, as the case may be, shall, in addition to his own vote as a member of the Board, have and exercise a second or casting vote.

(3) Seven members shall form a quorum at a meeting of the Board:

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting called for transacting the same business.

Registrar and
other staff.

13. (1) Subject to the rules made in this behalf, the Board shall appoint a Registrar who shall receive such salary and allowances and be subject to such conditions of service as may be prescribed:

Provided that until a Registrar is so appointed, a person appointed by the Administrator shall, as from the commencement of this Act, be deemed to be the Registrar who shall be entitled to such salary and allowances and shall be subject to such conditions of service as may be determined by the Administrator.

(2) The Board may appoint such other employees as may be necessary for carrying out the purposes of this Act and such employees shall receive such salary and allowances and be subject to such conditions of service as may be prescribed.

(3) All employees of the Board, including the Registrar, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 18

Duties of
Registrar.

14. (1) Subject to the provisions of this Act and the rules made thereunder and subject to any general or special order of the Board, it shall be the duty of the Registrar to maintain the register and to act as the Secretary of the Board.

(2) The register shall be in such form as may be prescribed and shall contain the names, addresses and qualifications of every registered practitioner together with the dates on which such qualifications were acquired. The register shall be divided into the following three parts, namely:—

- Part I containing the names of the practitioners qualified to practise the Ayurvedic system;
- Part II containing the names of the practitioners qualified to practise the Unani system; and
- Part III containing the names of practitioners registered under sub-section (2) of section 15.

(3) The Registrar shall keep the register correct as far as possible, and may from time to time enter therein any material alteration in the address or qualifications of the practitioners. The names of the registered practitioners who die or whose names are directed to be removed from the register under this Act shall be removed from the register.

(4) A registered practitioner shall, on payment of such fees as may be prescribed, be entitled to have entered in the register any further degrees, diplomas or certificates or other qualifications in Ayurvedic system or Unani system or other recognised medical degrees, diplomas or certificates, which he may obtain.

(5) For the purposes of this section, the Registrar may write by registered post to any registered practitioner at the address which is entered in the register enquiring whether he has ceased to practise or has changed his residence and if no answer is received to the said letter within three months, the Registrar may remove the name of the said practitioner from the register:

Provided that the Board may, if it is satisfied on the application of the said practitioner that he has not ceased to practise, direct that his name be re-entered in the register.

Registra-
tion.

15. (1) Every person possessing any of the qualifications specified in Schedule I shall, subject to the provisions of this Act and on payment of such fees as may be prescribed, be entitled to have his name entered in Part I or Part II, as the case may be, of the register subject to such conditions as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), every person, who, within a period of two years from the date on which this Act comes into force, proves to the satisfaction of the Registrar that he has been in regular practice as a practitioner for a period of not less than ten years preceding the date on which he makes an application for being registered as a practitioner shall, subject to the provisions of this Act and on payment of such fees as may be prescribed in this behalf, be entitled to have his name registered in Part III of the register subject to such conditions as may be prescribed.

(3) No person shall be entitled under this section to have his name entered in the register if he is a minor.

(4) Every person whose name is entered immediately before the appointed day in the register maintained under section 15 of the Punjab Ayurvedic and Unani Practitioners Act, 1963, as in force in the transferred territory, shall, subject to the provisions of this Act, be deemed to be registered as a practitioner under this Act and accordingly his name shall be entered in the appropriate part of the register maintained under this Act.

Punjab Act
42 of 1963.

16. (1) The Board may prohibit the entry in, or order the removal from, the register of the name of any practitioner—

Power of
the Board
to prohibit
entry in or
to direct re-
moval from
register etc.

(a) who has been sentenced by a criminal court to imprisonment for such offence involving moral turpitude as may be declared by the Administrator; or

(b) whom the Board, after proper inquiry either made by itself or by a committee appointed for the purpose by the Board from out of its members, has found guilty of professional misconduct or other infamous conduct by a majority of at least two-thirds of the members present and voting at the meeting of the Board.

(2) The Board may direct that the name of any person against whom an order has been passed under sub-section (1) shall be entered or re-entered, as the case may be, after having satisfied itself that due to lapse of time or otherwise the disability mentioned in sub-section (1) has ceased to have any force.

1 of 1872

5 of 1908

17. For the purposes of any inquiry held under clause (b) of sub-section (1) of section 16, the Board or a committee appointed by the Board shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872, and shall, so far as may be, follow the procedure laid down in the Code of Civil Procedure, 1908.

Procedure
in inquiries.

18. (1) Any person aggrieved by the decision of Registrar regarding the registration of any person or any entry in the register may, on payment of such fees as may be prescribed, appeal to the Board.

Appeal to
Board from
decision of
Registrar
and other
powers of
Board.

(2) An appeal under sub-section (1) shall be filed within sixty days of the passing of the order appealed against after excluding the time spent in obtaining a copy thereof and shall be heard and decided by the Board in the manner prescribed.

(3) The Board may, on its own motion or on the application of any person, after due and proper enquiry and after affording the person concerned an opportunity of being heard, cancel or alter any entry in the register if in the opinion of the Board, such entry was fraudulently or wrongly made.

19. Notwithstanding anything in any law for the time being in force,—

Qualified
practitioner's
certificate.

(a) the expression 'legally qualified medical practitioner' or 'duly qualified medical practitioner' or any word importing a person recognised by law as a medical practitioner or a member of the medical profession shall in all Acts or other provisions having the force of law in the Union territory of Himachal Pradesh and relating to matters in List II or List III of the Seventh Schedule

to the Constitution of India, includes a practitioner registered in Part I or Part II of the register;

- (b) a certificate required by any Act to be issued by any medical practitioner or medical officer shall be valid if such certificate has been signed and issued by a practitioner registered in Part I or Part II of the register:

Provided that a certificate of illness may also be signed and issued by any practitioner registered in Part III of the register;

- (c) a practitioner registered in Part I or Part II of the register shall be eligible to hold any appointment as a medical officer in any Ayurvedic or Unani dispensary or hospital supported by or receiving a grant from the Government and treating patients according to the Ayurvedic system or Unani system or in any public establishment, body or institution dealing with any such system; and
- (d) a registered practitioner shall be entitled to use substances in their crude or manufactured form or preparations containing such substances provided their pharmaceutical action in relation to such use is known to him according to the fundamental principles of those medicines.

Notice of death.

20. Every Registrar of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

Exemption from serving on inquests.

21. Notwithstanding anything contained in any other law for the time being in force, every registered practitioner shall be exempted, if he so desires, from serving on any inquest under the Code of Criminal Procedure, 1898.

Fees and allowances payable to members.

22. There shall be paid to the members for attending meetings of the Board such fees and such travelling and other allowances as may be prescribed.

Mode of proof of Board's records.

23. A copy of any proceeding, receipt, application, plan, notice, entry in a register or other document in the possession of the Board shall, if duly certified by the Registrar or any other person authorised by the Board in this behalf, be received as *prima facie* evidence of the existence of the entry or document and shall be admitted as evidence of the existence of the entry or document and of the matters therein recorded in every case where, and to the same extent as, the original entry or document would, if procured, have been admissible to prove such matters.

Fees for the issue of copies of orders, entries in register, etc.
Fees received by the Board.

24. Copies of any order passed by the Board or the Registrar or of any entry in the register shall be supplied on payment of such fees as may be prescribed.

25. All moneys received by the Board as fees under this Act shall be applied for the purposes of this Act in the prescribed manner.

Publication of list of practitioners.

26. (1) The Registrar shall at least once in every five years on or before a date to be fixed by the Board cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were acquired.

(2) In any proceeding, whether before a court or otherwise, it shall be

presumed that every person entered in such list is a registered practitioner and that any person not so entered is not a registered practitioner.

27. Whoever wilfully and falsely assumes or uses any title or description or any addition to his name implying that he is a registered practitioner shall be punishable for the first offence with imprisonment which may extend to six months or with fine which may extend to two hundred and fifty rupees or with both and for every subsequent offence with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both.

Penalty for unlawful assumption of title of registered practitioner.

28. No practitioner, whether registered or not, shall sell any medicine of the Ayurvedic system or Unani system in a public place as a hawker or by assembling a *majma*.

Selling medicines by hawking etc., to be an offence. Prohibition to practise.

29. No person other than a registered practitioner, shall, from such date as may be specified by the Administrator by notification in the Official Gazette, practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise Ayurvedic system or Unani system.

Penalty.

30. Any person, who contravenes the provisions of section 28 or section 29, shall, on conviction, be punishable with fine which may extend to two hundred rupees.

31. The Administrator may, by notification, amend Schedule I so as to add thereto or omit therefrom any qualification, and thereupon the Schedule shall be deemed to be amended accordingly.

Power to amend Schedule I.

32. If at any time it appears to the Administrator that the Board has neglected to exercise, or has exceeded or abused any power conferred upon him under this Act or has neglected to perform any duty imposed upon him by this Act, the Administrator may communicate the particulars of such neglect, excess or abuse to the Board; and if the Board fails to remedy such neglect, excess or abuse within such time as may be fixed by the Administrator in this behalf, the Administrator may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Board to be exercised and performed by such agency and for such period as the Administrator may think fit.

Control of the Administrator.

33. (1) No court other than the court of a Magistrate of the First Class shall take cognizance of, or try, an offence under this Act.

Court competent to try offence and cognizance of offences.

(2) No court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by the Administrator in this behalf.

34. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or under rules or regulations made thereunder.

Protection of action taken in good faith.

CHAPTER III

DISPUTES REGARDING ELECTIONS

35. In this chapter, unless the context otherwise requires,—

Definitions.

(a) "agent" means any person appointed in writing by a candidate at an election to be his agent for the purposes of his election with the written consent of such person;

(b) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election, and any such person

shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;

(c) "corrupt practice" means any of the practices specified in Schedule II;

(d) "costs" means all costs, charges and expenses of, or incidental to, a trial of an election petition;

(e) "election" means an election to fill the office of a member;

(f) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election; and

(g) "pleader" means any person entitled to appear and plead for another in a civil court, and includes an advocate.

Election
petitions.

36. No election shall be called in question except by an election petition presented in accordance with the provisions of this chapter.

Presenta-
tion of
petitions.

37. (1) Any registered practitioner may within a period of thirty days from the date on which the election of any member is notified under subsection (5) of section 3 and on furnishing the prescribed security in the prescribed manner, present on one or more of the grounds specified in subsection (1) of section 49 to the prescribed authority an election petition in writing against the election of such member.

(2) The election petition shall be deemed to have been presented to the prescribed authority—

(a) when it is delivered to the prescribed authority—

(i) by the person making the petition; or

(ii) by a person authorised in writing in this behalf by the person making the petition; or

(b) when it is sent by registered post and is delivered to the prescribed authority.

Contents of
petition.

38. (1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings:

5 of 1908

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

Procedure
on receiving
election
petition.

39. If the prescribed security is not furnished in the prescribed manner or the petition is not presented within the period specified in section 37, the prescribed authority shall dismiss the petition:

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

40. The Director may, at any stage after notice to parties and for reasons to be recorded, withdraw any election petition pending before a prescribed authority and transfer it for trial to another prescribed authority; and upon such transfer, that prescribed authority shall proceed with the trial from the stage at which it was withdrawn:

Power of Director to withdraw and transfer petitions.

Provided that such authority may, if it thinks fit, recall and re-examine any of the witnesses already examined.

5 of 1908

41. (1) Subject to the provisions of this Act and of any rules made thereunder, every election petition shall be tried by the prescribed authority, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits:

Procedure before the prescribed authority.

Provided that the prescribed authority shall have the discretion to refuse for reasons to be recorded to examine any witness or witnesses, if it is of the opinion that their evidence is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

1 of 1872

(2) The provisions of the Indian Evidence Act, 1872, shall subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.

42. Any appearance, application or act before the prescribed authority may be made or done by the party in person or by pleader duly appointed to act on his behalf:

Appearance before prescribed authority

Provided that it shall be open to the prescribed authority to direct any party to appear in person whenever the prescribed authority considers it necessary.

of 1908

43. The prescribed authority shall have the powers which are vested in a court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:—

Power of the prescribed authority.

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence taken on affidavit; and
- (g) issuing commissions for the examination of witnesses;

and may summon and examine *suo moto* any person whose evidence appears to it to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

5 of 1898

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the prescribed authority shall be the limits of the Union territory of Himachal Pradesh.

44. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

Documentary evidence.

45. No witness or other person shall be required to state for whom he has voted at an election.

Secrecy of voting not to be infringed.

Answering of criminal questions and certificates of indemnity.

46. (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him to any penalty or forfeiture:

Provided that—

(a) a witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the prescribed authority; and

(b) an answer given by a witness to a question put by or before the prescribed authority shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against him in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code, arising out of the matter to which such certificate relates but it shall not be deemed to relieve him from any disqualification in connection with any election imposed by this Act or any other law.

45 of 1860.

Expenses of witnesses.

47. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the prescribed authority to such person and shall, unless the prescribed authority otherwise directs, be deemed to be part of the costs.

Decision of the prescribed authority.

48. (1) Where an election petition has not been dismissed under section 39, the prescribed authority shall inquire into the election petition and at the conclusion of the inquiry shall make an order—

(a) dismissing the election petition; or

(b) setting aside the election.

(2) At the time of making an order under sub-section (1) the prescribed authority shall also make an order—

(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording—

(i) a finding whether any corrupt practice has not been proved to have been committed at the election and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and

(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid:

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless—

(i) he has been given notice to appear before the prescribed authority and to show cause why he should not be so named; and

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross examining any witness who has already been examined by the prescribed authority and has given evidence against him, of calling evidence in his defence and of being heard.

Grounds for setting aside election.

49. (1) If the prescribed authority is of the opinion—

(a) that on the date of his election the elected person was not qualified or was disqualified, to be elected under this Act; or

- (b) that any corrupt practice has been committed by the elected person, or his agent or by any other person with the consent of the elected person or his agent; or
- (c) that any nomination has been improperly rejected; or
- (d) that the result of the election, in so far as it concerns the elected person, has been materially affected—
 - (i) by the improper acceptance of any nomination; or
 - (ii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void; or
 - (iii) by any non-compliance with the provisions of this Act or any rules made thereunder;

the prescribed authority shall set aside the election of the elected person.

(2) When an election has been set aside under sub-section (1), a fresh election shall be held.

50. An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

51. (1) Costs including pleaders' fee shall be in the discretion of the prescribed authority.

(2) If in any order as to costs under the provisions of this chapter there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit made by such party under this chapter, on an application made in writing in that behalf within a period of one year from the date of such order to the Director by the person in whose favour the costs have been awarded.

(3) If there is any balance left of the security deposit under this chapter after payment under sub-section (2) of the costs referred to in that sub-section, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposit may, on an application made in that behalf in writing to the Director by the person by whom the security has been deposited, or if such person dies after making such deposit, by the legal representatives of such person, be returned to the said person or to his legal representatives as the case may be.

52. Any order as to costs under the provisions of this chapter may be produced before the principal civil court within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit:

Provided that where any such costs or any portion thereof may be recovered by an application made under sub-section (2) of section 51, no application shall lie under this section within a period of one year from the date of such order unless it is for the recovery of the balance of any cost which has been left unrealised after an application has been made under that sub-section owing to the insufficiency of the amount of the security deposit referred to in that sub-section.

53. The corrupt practices shall entail disqualification for membership of the Board for a period of five years counting from the date on which the finding of the prescribed authority as to such practice has been given:

Provided that the Administrator may, for reasons to be recorded, remove the disqualification or reduce the period thereof.

Abatement of election petitions.

Costs, payment of costs out of security deposits and return of such deposits.

Execution of orders as to costs.

Corrupt practices entailing disqualification.

CHAPTER IV

MISCELLANEOUS

Rules.

54. (1) The Administrator may, by notification in the Official Gazette and after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the date on which the number of registered practitioners shall be counted under sub-section (4) of section 3;
- (b) the time and place at which, and the manner in which, election shall be held as required by section 4;
- (c) the salary, allowances and other conditions of service of the Registrar and other employees of the Board appointed under section 13;
- (d) the form of register required to be maintained under section 14;
- (e) the amount of fees payable under sub-section (4) of section 14;
- (f) the amount of fees on payment of which, and the conditions subject to which, a person may get his name entered in Part I or Part II or Part III of the register under section 15;
- (g) the manner in which appeals against the decision of the Registrar shall be heard and decided by the Board under section 18 and the fees chargeable for such appeals;
- (h) fees and allowances payable to the members under section 22;
- (i) the amount of fees payable for the supply of copies under section 24;
- (j) the manner in which moneys received by the Board as fees shall be applied under section 25;
- (k) the amount of security to be furnished and the manner in which it is to be furnished as required by sub-section (1) of section 37;
- (l) the authority to whom election petitions may be presented and by whom such petitions may be inquired into and decided under Chapter III;
- (m) the form of affidavit required to accompany the petition under sub-section (1) of section 38; and
- (n) any other matter which is to be or may be prescribed or provided for by rules.

(3) Every rule made under this section shall be laid as soon as may be after it is made before the Legislative Assembly of Himachal Pradesh while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Regulations.

55. (1) The Board may, with the previous approval of the Administrator, make regulations not inconsistent with this Act or the rules made thereunder for all or any of the following matters, namely:—

- (a) the time and place at which the Board shall hold its meetings and the manner in which such meetings shall be summoned under section 11;
- (b) any other matter which may be considered necessary for carrying out the purposes of this Act.

- (2) All regulations shall be published in the Official Gazette.
 (3) The Administrator may, by notification in the Official Gazette, cancel any regulation.

CHAPTER V

REPEAL AND SAVINGS

56. (1) As from the commencement of this Act—

- (a) the Punjab Ayurvedic and Unani Practitioners Act, 1949 as in force in the area comprised in the Union territory of Himachal Pradesh immediately before 1st November, 1966; and
 (b) the Punjab Ayurvedic and Unani Practitioners Act, 1963, in its application to the transferred territory, shall stand repealed:

Repeal and savings.

Provided that the repeal of any such enactment shall not affect—

- (a) the previous operation of such enactment or anything duly done or suffered thereunder, or
 (b) any right, privilege, obligation or liability acquired, accrued or incurred under such enactment; or
 (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against such enactment, or
 (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the proviso to sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rules and regulations framed) under the enactments repealed by sub-section (1) shall, in so far as it is not inconsistent with this Act, be deemed to have been done or taken under the corresponding provision of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.

(3) Without prejudice to the general application of the provisions of sub-sections (1) and (2), the assets and liabilities immediately before the 4th February, 1966, of the interim Board constituted under sub-section (6) of section 3 of the Punjab Ayurvedic and Unani Practitioners Act, 1963, which by virtue of any agreement or otherwise under the Punjab Re-organisation Act, 1966, may devolve on the Union, shall, if the Administrator so directs, become the assets and liabilities of the Board.

57. If any difficulty arises in giving effect to the provisions of this Act, the Administrator may, by order published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as may appear to him to be necessary or expedient for the removal of the difficulty.

Power to remove difficulties.

SCHEDULE I

(See sections 15 and 31)

1. Degree or Diploma of any Ayurvedic or Unani College recognised by the Board (with at least four years course) within Himachal Pradesh or outside it, or a degree in the Ayurvedic System or Unani System of Medicine of any University established by law in India:

Provided that persons who have already qualified from any Ayurvedic or Unani College or Institution prior to the commencement of this Act in a course of a duration of less than four years, will also be entitled for registration.

2. Final examination from any Ayurvedic or Unani Institution in Himachal Pradesh or outside it, recognised by the Board for the purposes of registration.

SCHEDULE II

[See sections 35 (c) and 53]

The following shall be deemed to be corrupt practices for the purposes of section 53:—

- (A) any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification, to any person whomsoever with the object, directly or indirectly of inducing—
 - (a) a person to stand or not to stand as, or to withdraw or not to withdraw, from being, a candidate at an election; or
 - (b) a voter to vote or refrain from voting at an election or as a reward to—
 - (i) a person for having so stood or not stood, or for having withdrawn or not having withdrawn his candidature; or
 - (ii) a voter for having voted or refrained from voting;
- (B) the receipt of, or agreement to receive, any gratification, whether as a motive or reward—
 - (a) by a person for standing or not standing as, or for withdrawing or not withdrawing from being, a candidate; or
 - (b) by any person whomsoever for himself or any other person for voting or refraining from voting or inducing or attempting to induce any voter to vote or refrain from voting or any candidate to withdraw or not withdraw his candidature.

Explanation.—For the purposes of this clause, the term “gratification” is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of, any election.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right:

Provided that—

- (a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who—
 - (i) threatens any candidate or a voter or any person in whom a candidate or a voter is interested with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or
 - (ii) induces or attempts to induce a candidate or a voter to believe that he, or any person in whom he is interested will be rendered an object of divine displeasure or spiritual censure;
- shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of this clause;

(b) a declaration of public policy, or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this clause.

(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to national symbols such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(4) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of election of that candidate or for prejudicially affecting the election of any candidate.

(5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government of Union territory, the Government of India or the Government of any other State or a local authority.

STATEMENT OF OBJECTS AND REASONS

At present there are two Acts in force in Himachal Pradesh relating to the registration of practitioners of Ayurvedic and Unani Systems of medicine and for regulating the practice in such systems. One of these Acts is the Punjab Ayurvedic and Unani Practitioners Act, 1949, as in force in the area comprised in the Union territory of Himachal Pradesh immediately before 1st November, 1966, and the other is the Punjab Ayurvedic and Unani Practitioners Act, 1963, which is in force in the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966. With a view to bringing about uniformity it is necessary to have one unified law on the subject for the whole of Himachal Pradesh and this Bill seeks to achieve the object.

SIMLA:
The 1st July, 1968.

LAL CHAND PRARTHI,
Revenue Minister.

FINANCIAL MEMORANDUM

No expenditure whatsoever out of the Government revenue is involved in the working of the Act. The Board when established will incur expenditure from its own fund.

MEMORANDUM ON DELEGATED LEGISLATION

Clause 54 of the Bill empowers the Administrator to make rules in respect of the matters enumerated therein. The proposed delegation is normal in character. Clause 55 empowers the Board to make regulations with the previous approval of the Administrator in respect of the matters mentioned therein.

Simla-4, the 1st July, 1968

No. 1-33/68-VS.—In pursuance of Rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964, "The Himachal Pradesh Livestock and Birds Disease Bill, 1968 (Bill No. 19 of 1968)" as introduced in the Legislative Assembly on the 1st July, 1968 is hereby published in the Himachal Pradesh Government Gazette.

Bill No. 19 of 1968

THE HIMACHAL PRADESH LIVESTOCK AND BIRDS DISEASES BILL, 1968

AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY

A
BILL

to provide for the prevention and control of diseases affecting livestock and birds.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Himachal Pradesh Livestock and Birds Diseases Act, 1968.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of Himachal Pradesh.

(3) This section shall come into force at once and the Government may, by notification, bring the rest of the Act or any part of it into force in Himachal Pradesh or in any area in Himachal Pradesh on such date and for such period as may be specified in the notification.

2. Notwithstanding anything contained in section 1, the Government may, by notification, exempt any area from any or all of the provisions of this Act, or direct that any provision of this Act shall apply to any area with such modifications as may be specified.

Power to
exempt
areas from
the provi-
sions of
this Act.

3. In this Act, unless there is anything repugnant in the subject or context,—

Definitions

(a) 'an infective livestock or bird' is one which is affected with a scheduled disease or has recently been in contact with or in close proximity to livestock or bird so affected;

(b) 'bird' means a domesticated fowl, goose or chick, and includes such other bird as may from time to time be specified by the Government by notification;

(c) 'Government' means the Government of Himachal Pradesh;

(d) 'livestock' means all domesticated animals maintained on farms or by individuals including horses, donkeys, mules, elephants, cattle, buffaloes, goats, sheep, dogs, cats or such other animals as may, from time to time, be specified by the Government by notification;

(e) 'notification' means notification published under proper authority in Rajpatra, Himachal Pradesh;

(f) 'Official Gazette' means Rajpatra, Himachal Pradesh;

(g) 'prescribed' means prescribed by regulations or rules made under this Act; and

(h) 'schedule' means schedule to this Act.

4. The diseases specified in the schedule shall in the first instance be scheduled diseases for the purpose of this Act, but the Government may, by notification,—

Scheduled
diseases.

(a) delete any entry from the schedule, or

(b) include in the schedule any communicable disease of livestock or birds to which it is expedient in their opinion that the provisions of this Act should apply.

Veterinary Surgeons.

5. (1) The Government may either by name or by designation appoint any person holding the office of Veterinary Assistant Surgeon, or any graduate of a recognised Veterinary College whom they think fit to be a Veterinary Surgeon for the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

(2) A Veterinary Surgeon shall have all the powers of an Inspector under this Act, and may exercise such powers concurrently with his powers as Veterinary Surgeon.

Inspectors

6. The Government may either by name or by designation appoint any person it thinks fit to be an Inspector for any or all of the purposes of this Act, and may define the area within which he shall exercise the powers and perform the duties incidental to such purposes.

Status of Veterinary Surgeons and Inspectors.

7. Any person appointed under section 5 or section 6 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

45 of 1860

Powers of Inspectors.

8. An Inspector may, subject to any rules made in this behalf by the Government, enter and inspect any land or building or other place or any vessel or vehicle, for the purpose of exercising the powers or performing the duties conferred and imposed on him by or under this Act.

CHAPTER II THE CONTROL OF DISEASE

Power to regulate inter-State trade and to control transport of livestock and birds and things which may spread diseases.

9. (1) The Government, for the purposes of preventing the outbreak or spread of any scheduled disease, may, by notification, prohibit or regulate in such manner, and to such extent, as it may think fit,—

- (a) the bringing or taking into Himachal Pradesh or any specified place therein of any livestock or birds, alive or dead, or of any parts of livestock or birds, or of any kind of fodder, bedding or other thing which may, in its opinion, carry infection;
- (b) the removal from any specified part of Himachal Pradesh of any such livestock or birds, parts of livestock or birds, or things.

(2) The Government may, by notification, specify the season or seasons during which and the route or routes by which livestock or birds may be imported into Himachal Pradesh and no person shall import livestock or birds into Himachal Pradesh otherwise than during the season and by the route so appointed.

(3) The Government may establish quarantine stations for the inspection and detention of such livestock or birds along the route appointed under sub-section (2).

(4) The period of detention of livestock or birds at a quarantine station for the purpose of inspection, vaccination, if necessary, marking and issuing of a permit for the release of livestock or birds from the station shall be such as may be prescribed by the Government.

(5) The livestock or birds so detained shall remain under the care of the person in-charge who shall be responsible for their feeding and upkeep and for the payment of fee for their vaccination and marking as may be prescribed by the Government.

10. The Government, for the purpose of preventing the outbreak or spread of any scheduled disease, may, by notification, prohibit or regulate, in such manner, and to such extent, as it may think fit, the holding of markets, fairs, exhibitions or other concentrations of livestock or birds in any specific area.

Power to control the holding of markets, fairs etc.

11. The Government may, by regulations, prohibit or limit the sale of or other traffic in infective livestock or birds, or in the carcasses of livestock or birds which at the time of their death were infective or in any parts of such livestock or birds, or litter, feeding utensils or other things which may carry infection.

Power to control traffic in infective livestock or birds.

12. (1) Every vessel or vehicle used by a common carrier for the transport of livestock or birds shall be cleansed and disinfected periodically in such manner as the Government may, by regulations, prescribe.

Cleansing and disinfection of vessels and vehicles.

(2) The Government may appoint places where an Inspector may detain and inspect any such vessel or vehicle and, if it is not in a sanitary condition, the Inspector may require it to be cleansed and disinfected in the manner prescribed within such time as he may appoint.

(3) If such vessel or vehicle is not so cleansed and disinfected within the appointed time, the Inspector may cause it to be cleansed and disinfected at the expense of its owner.

(4) This section shall not apply to the rolling stock of any railway or aircraft.

13. Every owner or person in-charge or every person bringing into Himachal Pradesh and every veterinary practitioner who has been called to treat livestock or bird which he has reason to believe to be infective shall forthwith report the fact to the Inspector exercising powers in the area.

Duty of certain persons to report scheduled disease.

14. Subject to such rules as may be made in this behalf by the Government, the Veterinary Surgeon may make or cause to be made a post-mortem examination of any livestock or bird which at the time of its death was infective, or is suspected to have been then infective, and for this purpose, he may cause the carcass of any such livestock or bird to be exhumed.

Power of Veterinary Surgeon to hold post-mortem.

15. (1) Where an Inspector has reason to believe that any livestock or bird is infective, he may, by order in writing, direct the owner or person in-charge of such livestock or bird to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation and within such period as may be specified in the order:

Power to isolate infective livestock or birds.

Provided that where there is no person in-charge of the livestock or bird, and the owner is unknown or the order cannot be communicated to him without undue delay or the person in-charge of the livestock or bird refuses to do as ordered above, the Inspector may seize the livestock or bird and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report every order of seizure under this section to the Veterinary Surgeon.

16. On receipt of a report under sub-section (2) of section 15, the Veterinary Surgeon shall examine the livestock or bird as soon as possible and may also examine all livestock or birds which it has been in contact with or in close proximity to and for this purpose may submit any livestock or bird to any test which the Government may, by regulations, prescribe in this behalf.

Examination by the Veterinary Surgeon.

Action after
examina-
tion by the
Veterinary
Surgeon.

17. (1) If, after such examination, the Veterinary Surgeon is of opinion that any livestock or bird is not infective, the Inspector shall forthwith return it to the person who in his opinion is entitled to possession of it:

Provided that where such person cannot without undue inconvenience be found, the Inspector shall send the livestock or bird to the nearest cattle-pound, or deal with it in such other manner as the Government may, by rules, prescribe in this behalf.

(2) If after such examination, the Veterinary Surgeon certifies in writing that any livestock or bird is affected with a scheduled disease, he shall deal with it in such other manner as the Government may, by rules, prescribe in this behalf.

(3) If, after such examination, the Veterinary Surgeon certifies that the livestock or bird is infective though not diseased, the livestock or bird shall be dealt with in such manner as the Government may, by rules, prescribe in this behalf.

Compensa-
tion for
livestock or
birds dest-
royed.

18. Compensation may be paid to the owner of livestock or bird if destroyed under section 17, and such compensation shall be determined, in accordance with rules to be made in this behalf, by the Government:

Provided that—

(i) no compensation shall be paid to any person convicted of any offence punishable under this Act committed in respect of such livestock or bird;

(ii) no compensation shall be paid in respect of any livestock or bird which, when it was brought into Himachal Pradesh, was affected with the disease on account of which it was destroyed.

Power to
require
disinfection
of infected
premises,
vessels or
vehicles.

19. (i) Subject to rules to be made in this behalf by the Government, the Veterinary Surgeon may, by order in writing, require the owner, occupier or person in-charge of any building, yard, vessel or vehicle in which there has been an infective livestock or bird to have such building, yard, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto be disinfected or destroyed in such manner and to such extent as may be specified in the order.

(ii) Subject as aforesaid, if such owner, occupier or person fails to comply with the requirements of such order within a reasonable time, the Inspector may cause such building, yard, vessel or vehicle to be disinfected, and the internal fittings and other things to be disinfected or destroyed at the expense of the owner.

Declaration
of private
infected
places.

20. (1) If the Inspector has reason to believe that there is an infective livestock or bird in any field, yard or building in which livestock or birds are kept, temporarily or otherwise, he shall at once by order in writing, declare the place to be an infected place and shall deliver a copy of the order to the owner, occupier or person in-charge of the place and report his action to the Veterinary Surgeon.

(2) This section shall not apply to any place owned by or under the control or management of any local authority or railway administration or to any airfield where livestock or birds are temporarily kept for sale, exhibition or in transit.

Examina-
tion of infec-
ted place by
Veterinary
Surgeon.

21. (1) The Veterinary Surgeon shall, as soon as possible, examine the infected place and the livestock or birds kept therein, and may cancel or confirm the order of the Inspector.

(2) If he confirms the order, he may cause notice to be served on the owners, occupiers or persons in charge of all places in which livestock or birds are kept temporarily or otherwise, within a radius not exceeding one mile from the infected place, declaring such places to be infected places.

The Veterinary Surgeon shall forthwith report his action under this sub-section to the authority prescribed by the Government in this behalf.

22. (1) Where the Veterinary Surgeon has reason to believe that infective livestock or birds are or have been in any place owned, controlled or managed by any local authority, or railway administration or aircraft company where livestock or birds are temporarily kept for purposes of sale, transit or exhibition, he may, by order in writing, declare such place to be infected place.

Declaration of public infected place.

(2) The Veterinary Surgeon shall cause a copy of such order, in the vernacular of the locality, to be exhibited prominently in the infected place, and he shall deliver copies at the office of the local authority, or to the nearest station master of the railway administration or to the officer in charge of the airfield, as the case may be, and shall also send a copy to the nearest police station; and he shall report his action forthwith to the authority prescribed by the Government in this behalf.

23. (1) On receipt of the report of the Veterinary Surgeon under sub-section (2) of section 21 or under sub-section (2) of section 22 and after such further inquiry, if any, as it may think fit, the Government—

Declaration of infected areas by the Government.

(a) may cancel any declaration made under sections 20, 21 or 22; or

(b) may confirm such declaration either with or without modifications.

(2) Where the Government cancels any declaration, the Inspector shall give notice of the cancellation to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

(3) Where the Government confirms such declaration either with or without modifications, the Government shall, by notification, defining the limits of the area to which the notification shall apply, declare such area to be an infected area.

(4) On the issue of such notification, any place declared by the Inspector or Veterinary Surgeon to be an infected place and not included in the infected area so defined shall cease to be an infected place, and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(5) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the vernacular of the area, a copy of the notification under sub-section (3) and shall also cause to be so exhibited a copy of any subsequent notification adding to, amending, varying or rescinding such notification.

24. (1) No person shall remove from any infected area or place any livestock or bird, dead or alive, or any part of livestock or bird, or any fodder, bedding or other thing used in connection with livestock or birds, save in accordance with the conditions of a licence granted by the Inspector.

Removal of livestock or birds and other things from infected areas or places.

(2) Nothing in this section shall prevent the transit by railway through an infected area or place of any livestock or bird or thing:

Provided that where any livestock or bird or other thing described in sub-section (1) while in transit through an infected area or place is unloaded therein, it shall not be removed therefrom save in accordance with sub-section (1).

Power to return livestock or birds, etc. to infected areas.

25. Where any livestock or bird or thing is removed from an infected area or place otherwise than in accordance with a licence granted under section 24, any Inspector or police officer may require the owner or person in charge of such livestock or bird or thing to return it to such area or place, and if the owner or person in charge fails to do so within a reasonable time, may cause it to be returned at the expense of the owner without further delay:

Provided that nothing in this section shall affect the powers of an Inspector under section 15 to deal with infective livestock or birds.

Time for complying with and enforcement of orders.

26. Where by any notice, requisition, or order under this Act or under any notification or rule issued thereunder, any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge, a reasonable time shall be specified in such notice, requisition or order within which such measures shall be taken or such thing shall be done, as the case may be.

Recovery of expenses incurred under this chapter.

27. Where any action may be taken under this chapter in respect of any property at the expense of the owner thereof, the officer taking such action may frame a certificate stating the amount of the expense incurred and the person from whom such amount is recoverable, and any magistrate to whom such certificate is presented may, after such inquiry as he may think fit, recover such amount as if it were a fine imposed by him on such person.

CHAPTER III

PENALTIES AND PROCEDURE

Penalties for contraventions of Act, regulations and rules.

28. Whoever—

- (a) removes from any part of Himachal Pradesh any livestock or bird, alive or dead, or any part of livestock or bird or any fodder, bedding or other thing in contravention of a notification issued under section 9, or imports livestock or birds in contravention of sub-section (2) of that section;
- (b) holds or promotes or takes part in any market, fair, exhibition or other concentration of livestock or birds in contravention of a notification issued under section 10;
- (c) sells or otherwise traffics in, or attempts to sell or traffic in, an infective livestock or bird, or in anything mentioned in section 11 which may carry infection, or the carcass of livestock or bird which at the time of its death was infective in contravention of section 11;
- (d) being a common carrier fails to cleanse or disinfect any vessel or vehicle used for the transport of livestock or birds in such manner as may be required under sub-section (1) of section 12 or as may be required by the Inspector under sub-section (2) of that section;
- (e) fails, in contravention of section 13, to report that livestock or bird is infective;
- (f) fails to comply with an order made by an Inspector under sub-section (1) of section 15;
- (g) fails to comply with an order made by the Veterinary Surgeon under sub-section (1) of section 19;
- (h) removes any livestock or bird or thing from any infected place in contravention of section 24;

shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees, and, in the case of a second or subsequent conviction, to five hundred rupees.

29. Whoever keeps or grazes in or on any forest, open field, roadside, or other un-enclosed land to which other persons have a right of access for their livestock or birds, any livestock or bird which he knows to be infective shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees or, in the case of a second or subsequent conviction, to five hundred rupees.

Penalty for keeping or grazing infective livestock or bird in un-enclosed land.

30. Whoever brings or attempts to bring into any market, fair, exhibition or other concentration of livestock or birds, any livestock or bird which he knows to be infective shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees or, in the case of a second or subsequent conviction, to five hundred rupees.

Penalty for bringing infective livestock or bird to market.

31. Whoever places, or causes or permits to be placed, in any river, canal or other water, the carcass or part of the carcass of any livestock or bird which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend, in the case of a first conviction, to one hundred rupees or, in the case of a second or subsequent conviction, to five hundred rupees or with both imprisonment and fine.

Penalty for placing carcass of infective livestock or bird in river.

32. Whoever, without lawful authority, disinters or causes to be disinterred the carcass or part of the carcass of any livestock or bird which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees or, in the case of a second or subsequent conviction, to five hundred rupees.

Penalty for disinterring carcass of diseased livestock or bird.

33. (1) Whoever being an Inspector maliciously and vexatiously enters or inspects any land or building or other place or any vessel or vehicle, or seizes or detains any livestock or bird, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalty for malicious and vexatious entry or seizure by Inspector.

(2) No prosecution under this section shall be instituted after the expiry of one month from the date on which the offence is alleged to have been committed.

34. No prosecution under this Act, except under section 33, shall be instituted except by or under the authority of the Veterinary Surgeon or the Inspector.

Institution of proceedings.

35. No magistrate shall try any offence under this Act unless he is a magistrate of the first class or a magistrate of the second class especially empowered in this behalf by the Government.

Jurisdiction of magistrates.

36. Save as provided for in section 18, no person shall be entitled to any compensation in respect of the destruction of any livestock or bird or thing or in respect of any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith.

Bar of claim to compensation.

37. The Government may, by notification, delegate all or any of its powers under this Act to any of its officers.

Delegation

Power of Government to make regulations and rules.

38. (1) The Government may make rules consistent with this Act for all or any of the following purposes, namely:—

- (a) to define the powers of entry and inspection of an Inspector under section 8;
- (b) to prohibit or regulate the holding of markets, fairs, exhibitions or other concentrations of livestock or birds under section 10;
- (c) to appoint places for the disinfection of vessels or vehicles under sub-section (2) of section 12, and for the isolation or segregation of livestock or birds under section 15;
- (d) to regulate post-mortem examination of livestock or birds under section 14, and the disposal of livestock or birds under sub-sections (1), (2) and (3) of section 17;
- (e) to provide for the determination of the compensation payable under section 18;
- (f) to regulate the exercise of the powers of the Veterinary Surgeon and Inspector under section 19;
- (g) to prescribe the authority referred to in sub-section (2) of section 21 and sub-section (2) of section 22;
- (h) to prescribe the form and contents of the licences to be granted by an Inspector under section 24 and the circumstances under which they may be granted;
- (i) to prescribe scales of charges to be followed in certificates under section 27 for expenses incurred on behalf of an owner;
- (j) to regulate the isolation, detention, treatment (including sterilization and inoculation), and disposal of livestock or birds which are infective or suspected of being infective, and the disposal of carcasses and parts of carcasses;
- (k) to regulate the duties and powers of Inspectors and prescribe their qualifications;
- (l) to prescribe the manner in which any report or notice under the Act shall be made or given;
- (m) to prohibit or regulate the entry into Himachal Pradesh or any specified part or place thereof, and the movement from one place to another in Himachal Pradesh, of livestock or birds, alive or dead, or parts of livestock or birds or fodder, bedding or other thing;
- (n) to prohibit or limit sale or traffic in infective livestock or birds or carcasses of infective livestock or birds;
- (o) to regulate the disinfection of vessels or vehicles used by common carriers, the cleansing and disinfection of buildings, yards and other places used for livestock or birds, and the destruction of infected matter or things found therein or near thereto;
- (p) to prescribe the tests to be applied to livestock or birds suspected of being infective;
- (q) to prescribe the manner in which livestock or birds shall be destroyed, and the manner in which carcasses or parts of carcasses, fodder, bedding or other things seized under the Act shall be disposed of; and
- (r) to prescribe the period of detention and the amount of fee for vaccination and marking at the inter-State quarantine stations.

(2) In making a rule under this section, the Government may direct that a breach of it shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees or, in case of a second or subsequent conviction, to five hundred rupees.

(3) Every rule and regulation made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session, for a total period of ten days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Legislative Assembly makes any modification in the rule or the regulation or decides that the rule or the regulation should not be made, the rule or the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

39. (1) The power to make regulations and rules conferred by this Act is given subject to the condition of the regulations and rules being made after previous publication.

(2) All regulations and rules made by the Government under this Act shall be published in the official gazette.

40. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

41. The East Punjab Animal Contagious Diseases Act, 1948, as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 and the Punjab Livestock and Birds Diseases Act, 1948, as in force in the areas transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, are hereby repealed:

Provided that anything done or any action taken or any proceedings commenced or continued under the aforesaid Acts shall be deemed to have been done, taken, commenced or continued under the corresponding provisions of this Act.

Power to make regulations and rules subject to previous publication.

Protection to persons acting under this Act
Repeal and savings.

SCHEDULE

English names

Vernacular names

- | | |
|--|-----------------------------------|
| 1. Rinderpest or Cattle plague | 1. Mata, Wah, Sitla, Mok, Zehmat. |
| 2. Foot and Mouth disease | 2. Rora, Mun-Khur. |
| 3. Haemorrhagic Septicaemia | 3. Gal-Ghotu, Garhi. |
| 4. Black-quarter | 4. Phar Suja. |
| 5. Anthrax | 5. Sat, Goli. |
| 6. Tuberculosis | 6. Tap-i-Dik. |
| 7. Johne's disease | 7. Purana Dust. |
| 8. Glanders and Farcy | 8. Bad Kanar. |
| 9. Epizootic Lymphangitis | 9. Zeharbad. |
| 10. Dourine | 10. Atshik-i-Aspan. |
| 11. Rabies | 11. Halkapan, Bawlapan, Pagalpan. |
| 12. Surra | 12. Pheta, Tebersa or Sokra. |
| 13. African Horse Sickness | 13. Africa ki Ghoron ki Bimari. |
| 14. Swine Fever | 14. Suron ka Bukhar |
| 15. Contagious Caprine Pleuro-Pneumonia. | 15. Photka. |
| 16. Contagious Abortion | 16. Mutadi Isquate Hamal. |
| 17. Rani khet Disease | 17. Rani khet. |
| 18. Salmonellosis | 18. Choozon ke Safeid Dast. |
| 19. Coccidiosis | 19. Maror. |

47 of 1948

31 of 1966

STATEMENT OF OBJECTS AND REASONS

At present, two different laws are in force in Himachal Pradesh in regard to the prevention and control of diseases affecting livestock. One is the Punjab Livestock and Birds Diseases Act, 1948, which is in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, and the other is the East Punjab Animal Contagious Diseases Act, 1948, which is in force in the areas comprised in Himachal Pradesh immediately before the 1st November, 1966. With a view to bringing about uniformity, it has been considered necessary to have one unified law for the whole of Himachal Pradesh on the subject. This bill seeks to achieve the object.

SIMLA:
The 1st July, 1968.

SUKH RAM,
Development Minister.

FINANCIAL MEMORANDUM

Since the object of the Bill is simply to unify the two existing enactments, no increase or decrease in expenditure is involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14, 16, 17, 18 and 38 empower the Government to make regulations and rules, after previous publication, in respect of the matters, enumerated therein.

Simla-4, the 1st July, 1968 .

No. 1-38/68-VS.—In pursuance of Rule 135 of the Rules of Procedure and Conduct of Business for the Himachal Pradesh Legislative Assembly, 1964 “H. P. Good Conduct Prisoners” Probationary Release Bill, 1968 (Bill No. 17 of 1968)” as introduced in the Legislative Assembly on the 1st July, 1968 is hereby published in the Himachal Pradesh Government Gazette.

Bill No. 17 of 1968

**THE HIMACHAL PRADESH GOOD CONDUCT PRISONERS'
PROBATIONAL RELEASE BILL, 1968**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

**A
BILL**

to provide for the release of good conduct prisoners on conditions imposed by the Government.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Good Conduct Prisoners' Probational Release Act, 1968.

Short title, extent and commencement.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:—

Definitions

(a) "Government" means the Government of Himachal Pradesh; and

(b) "Notification" means notification published under proper authority in Rajpatra, Himachal Pradesh.

3. Notwithstanding anything contained in section 401 of the Code of Criminal Procedure, 1898, where a person is confined in prison under a sentence of imprisonment, and it appears to the Government from his antecedents or his conduct in the prison that he is likely to abstain from crime and lead useful and industrious life, if he is released from prison, the Government may, by licence, permit him to be released on condition that he be placed under the supervision or authority of a Government Officer or a secular institution or of a person or society professing the same religion as the prisoner, named in the licence and willing to take charge of him.

Power of Government to release by licence on condition imposed by it.

Explanation.—The expression "sentence of imprisonment" in this section shall include imprisonment in default of payment of fine and imprisonment for failure to furnish security under Chapter VIII of the Code of Criminal Procedure, 1898.

4. A licence granted under the provisions of section 3 shall be in force until the date on which the person released would, in the execution of the order or warrant authorizing his imprisonment, have been discharged from prison had he not been released on licence, or until the licence is revoked, whichever is sooner.

Period for which licence is to be in force.

5. The period during which a person is absent from prison under the provisions of this Act on a licence which is in force shall be reckoned as a part of the period of imprisonment to which he was sentenced, for the purpose of computing the period of his sentence and for the purpose of computing the amount of remission of his sentence which might be awarded to him under any rules in force relating to such remission.

Period of release to be reckoned as imprisonment for computing period of sentence served.

6. A licence granted under the provisions of section 3 shall be in such form and shall contain such conditions as the Government may, by general or special order or by rules made in this behalf, direct.

Form of licence.

5 of 1898

5 of 1898

Power to
revoke
licence.

7. (1) The Government may, at any time, revoke a licence granted under the provisions of section 3.

(2) An order of revocation passed under the provisions of sub-section (1) shall specify the date with effect from which the licence shall cease to be in force and shall be served, in such manner as the Government may, by rule, prescribe, upon the person whose licence has been revoked.

(3) A Government Officer under whose authority or supervision the prisoner was released under section 3 of the Act, may order his arrest and detention, until the order of revocation of a licence is passed, in such place and subject to such conditions as may be prescribed by the Government.

Released
absconders
who escape
from su-
pervision to
be punish-
able.

8. (1) If any person escapes from the supervision of authority of a Government Officer or secular institution or a society or person in whose charge he has been placed under the provisions of section 3, or if any person whose licence has been revoked under the provisions of section 7, fails, without lawful excuse, the burden of proving which shall be upon him, to return to the prison from which he was released, on or before the date specified in the order of revocation, such person shall, on conviction by a magistrate, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(2) An offence punishable under the provisions of sub-section (1) shall be deemed to be a cognizable offence within the meaning of clause (f) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898.

5 of 1898

Power to
make rules.

9. (1) The Government may, by notification, make rules consistent with this Act,—

(a) for the form and conditions of licence on which prisoners may be released;

(b) for defining the powers and duties of Government officers, societies or persons, under whose authority or supervision conditionally released prisoners may be kept;

(c) for defining the classes of offenders who may be conditionally released and the period of imprisonment after which they may be so released; and

(d) generally for carrying into effect all the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and
savings.

10. The Good Conduct Prisoners' Probational Release Act, 1926, as applied to Himachal Pradesh by the Himachal Pradesh (Application of Laws) Order, 1948, and also as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966, is hereby repealed:

10 of 1926

31 of 1966

Provided that anything done or any action taken including any licence granted, rules made, notification issued or proceedings commenced or continued, under the provisions of the Act hereby repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

At present, the Good Conduct Prisoners' Probational Release Act, 1926 10 of 1926 which provides for the release of good conduct prisoners on certain conditions is in force with different modifications and provisions of law in the two different areas of Himachal Pradesh, viz., the areas transferred to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966, and the territories comprised in Himachal Pradesh immediately prior to 1st November, 1966. With a view to bringing about uniformity, it is necessary to have a unified law on the subject for the entire Himachal Pradesh. This Bill seeks to achieve the aforesaid object.

Y. S. PARMAR,
Chief Minister.

SIMLA:

The 1st July, 1968.

FINANCIAL MEMORANDUM

Nil

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 6, 7 and 9 empower the Government to make rules in respect of the matters mentioned in these clauses.

Simla-4, the 1st July, 1968

No. 1-34/68-VS.—In pursuance of Rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964 "the Himachal Pradesh Livestock Improvement Bill, 1968 (Bill No. 20 of 1968)" as introduced in the Legislative Assembly on the 1st July, 1968 is hereby published in the Himachal Pradesh Government Gazette.

Bill No. 20 of 1968

**THE HIMACHAL PRADESH LIVESTOCK IMPROVEMENT
BILL, 1968**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to provide for the improvement of the livestock in Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Livestock Improvement Act, 1968.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

Short title,
extent and
commence-
ment.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions

(a) “approved bull” means a bull certified as such under section 7 or supplied by the Government in a specified area for breeding purposes;

(b) “bull” means an uncastrated male calf above such age as the Government may, by notification, prescribe for any specified area;

(c) bull is said to be “castrated” if it is rendered incapable of propagating its species;

(d) “Director” means the Director of Animal Husbandry, Himachal Pradesh;

(e) “Government” means the Government of Himachal Pradesh;

(f) a person is said to “keep a bull” if he owns the bull or has the bull in his possession or custody for the time being;

(g) “Livestock Officer” means the Director and includes any other officer authorised by him with the previous approval of the Government to exercise all or any of the powers of a Livestock Officer under this Act;

(h) “notification” means a notification published under proper authority in Rajpatra, Himachal Pradesh; and

(i) “prescribed” means prescribed by rules made under this Act.

3. (1) The Government may, by notification, declare any part of Himachal Pradesh to be specified area for the purposes of this Act, and thereupon the provisions of sections 4 to 21 shall come into operation in such area.

Power to
specify
area.

(2) No such notification shall be issued unless the Government is satisfied that the number of bulls in the specified area which are fit to be certified as approved under section 7 together with such number of bulls as may be supplied by the Government in that area for breeding purposes will be adequate to maintain the rate of propagation of the species.

(3) The Government may, after recording reasons for doing so, cancel at any time a notification issued under sub-section (1).

(4) The validity of any notification issued under sub-section (1) or (3) shall not be called into question in any proceeding before any court or authority.

4. Except as provided by or under this Act, no person shall keep a bull which has not been marked in accordance with the provisions of this Act.

Prohibition
to keep a
bull un-
marked.

Intimation about un-marked bulls.	5. Every person who, on the date of issue of the notification under section 3, has in his possession any bull or who, at any time, thereafter, comes into possession of any bull which is not branded with a distinguishing mark prescribed under this Act, shall give intimation of such possession to the Livestock Officer within such period as may be prescribed.
Submission of bulls for inspection.	6. On receipt of the intimation under section 5 or on his own motion, the Livestock Officer may, by order, require any person keeping a bull to present the bull for inspection at any reasonable time and place in the village of such person as specified in the order, and thereupon, it shall be the duty of the person keeping the bull to submit it for inspection accordingly and render all reasonable assistance in connection with such inspection.
Certification of bulls as approved.	7. Where, on such inspection of a bull, the Livestock Officer is satisfied that the bull is of a variety as specified from time to time by the Government for the area and is capable of being used for breeding purposes and— (a) is not of defective or inferior conformation and is not likely to get defective or inferior progeny, or (b) is not suffering from any incurable, contagious or infectious disease or from any other disease rendering the bull unsuitable for breeding purposes, or (c) is not of a breed which it is undesirable to propagate in the specified area or part thereof, he shall certify the bull as approved and cause it to be branded with a mark prescribed for the purpose.
Marking of castrated bulls.	8. When, on inspection, the Livestock Officer is satisfied that a bull is effectively castrated, he shall cause it to be branded with a mark prescribed for the purpose.
Castration of unapproved bulls.	9. (1) If, after inspection, the Livestock Officer is satisfied that a bull is unsuitable for breeding purposes in a specified area and is not already effectively castrated, he shall cause it to be effectively castrated or specify, by order, a period during which such castration shall be effected. (2) Such castration shall be performed or caused to be performed by the Livestock Officer unless the owner or the other person keeping the bull desires to make his own arrangements for complying with the orders and if the bull is not castrated within the time allowed by the Livestock Officer, then without prejudice to any action that may be taken under section 17, the Livestock Officer shall get the bull castrated. (3) The Livestock Officer shall cause every bull so castrated to be branded with the prescribed mark.
Castration of bulls without owners.	10. (1) If after such enquiry as the Livestock Officer may deem fit to make, he finds that any bull is not owned or possessed by a known person he shall cause the bull to be seized and inspected. (2) If, on such inspection, he finds that action under section 7 or section 8 is appropriate, he shall take such action and if he finds that the bull is not fit for being certified as approved bull and is also not effectively castrated, he shall have it castrated and cause it to be branded with an appropriate mark.
Power of Livestock Officer to inspect or mark bulls or inspect and to enter premises.	11. (1) For the purposes of this Act, a Livestock Officer or any other officer or person authorised by him in this behalf shall have power at all reasonable times— (a) to inspect any bull; (b) to brand any bull with a prescribed mark in the prescribed manner; (c) subject to such conditions and restrictions, if any, as may be

prescribed, to enter any premises or other places where he has reason to believe that a bull is kept.

(2) If the Livestock Officer, on inspection of an approved bull, finds that the bull has contracted a heritable disease or has otherwise become unfit as an approved bull, he may take action for the castration and marking of the bull afresh in accordance with section 9.

12. Every castration or marking required to be done or made under this Act by a Livestock Officer shall be done or made free of charge.

Marking to be free of charge.
Service of notice and order.

13. (1) Any notice or order which is to be given or served on any person under the provisions of this Act may be served in the prescribed manner.

(2) Any notice or order which is to be given to, or served on, any person under the provisions of this Act, may be given to, or served on, the owner or keeper of a bull primarily liable to comply with notice or order, and in case of doubt, or when he is unknown, it may be given to, or served on, the person last known as owner or keeper thereof, and any seizure or inspection under section 10 shall be deemed to have been done after compliance with the notice aforesaid.

14. The Livestock Officer shall maintain in the prescribed form a register giving particulars of inspections, names of owners or keepers of bulls, castrations and markings made, and bulls approved under this Act, and such other particulars as may be prescribed.

Maintenance of registers.

15. It shall be the duty of all persons entrusted with the performance of any duty under the provisions of this Act, and of all officers, of such grade as may be specified by the Government by general or special order, of the Animal Husbandry, Agriculture, Co-operative and Revenue Departments—

Duty of officers to report offences, etc.

(a) to give immediate information to the nearest Livestock Officer of the commission of any offence or of the intention or preparation to commit any offence punishable under this Act which may come to their knowledge;

(b) to take all reasonable measures in their power to prevent the commission of any such offence which, they may know or have reason to believe, is about or likely to be committed; and

(c) to assist the Livestock Officer in carrying out the provisions of this Act.

16. If any person without lawful authority brands or causes to be branded any bull with any mark prescribed under this Act or with any mark resembling such prescribed mark, he shall be liable to imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or both.

Penalty for unauthorised marking.

17. Whoever—

(a) keeps a bull in contravention of this Act or any rule or order made thereunder, or

(b) neglects or fails to produce a bull for inspection when required to do so under section 6 or section 11; or

(c) neglects or fails to comply with an order served under section 9,

shall be punishable with fine which may extend to twenty rupees and in the case of second or any subsequent offence, with fine which may extend to fifty rupees.

Penalty for other offences.

18. No magistrate or court shall take cognizance of any offence under this Act except upon a complaint made by a Livestock Officer or any person authorised by him in this behalf.

Cognizance of offences.

Bar of proceedings.

19. No suit, prosecution or other proceedings shall lie against an officer or servant of the Government for any act done or purporting to be done under this Act without the previous sanction of the Government.

No suit or other legal proceedings for damage caused.

20. No suit or other legal proceedings shall lie against the Government or against any of its officers for any damage caused or likely to be caused by anything in good faith done or intended to be done under or in pursuance of this Act.

Power to make rules.

21. (1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) all matters required to be prescribed under this Act;

(b) the powers and duties to be exercised and performed by officers or persons acting under this Act and the procedure to be adopted by them in so acting; and

(c) the approved age of a bull for purposes of breeding in any specified area.

(3) All rules shall be subject to previous publication.

(4) In making any rule, the Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees.

(5) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session, for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions aforesaid the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and savings.

22. The Himachal Pradesh Livestock Improvement Act, 1954, as in force in the area comprised in Himachal Pradesh prior to 1st November, 1966, and the Punjab Livestock Improvement Act, 1953, as in force in the areas merged in Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966, are hereby repealed:

Provided that anything done or action taken or proceedings commenced or continued under any of the said Acts shall be deemed to have been done, taken, commenced or continued under the corresponding provision of this Act.

3 of 1955

47 of 1953

31 of 1966

STATEMENT OF OBJECTS AND REASONS

At present there are two different Acts in regard to the improvement of Livestock in force in Himachal Pradesh. One is the Punjab Livetock Improvement Act, 1954, which is in force in the areas transferred to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966, and the other is the Himachal Pradesh Livestock Improvement Act, 1954, which is in force in the areas comprised in Himachal Pradesh immediately before the 1st November, 1966. With a view to bringing about uniformity, it is necessary to have one unified law on the subject for the whole of Himachal Pradesh and this Bill seeks to achieve the object.

SIMLA:
The 1st July, 1968.

SUKH RAM,
Development Minister.

FINANCIAL MEMORANDUM

Since the object of the Bill is mainly to unify the two existing Acts, no increase or decrease in expenditure is involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the Government to make rules in respect of the matters enumerated therein. The proposed delegation is normal in character.

SURENDRANATH,
Under Secretary.

